

ACUITY, A MUTUAL INSURANCE  
COMPANY,

Plaintiff,

VS.

RIVERDALE PACKAGING  
CORPORATION, *et al.*,

Defendants.

Case No. 4:24-cv-01277-MTS

## MEMORANDUM AND ORDER

On review of this case, the Court finds that the Complaint does not establish the Court’s subject matter jurisdiction. *See Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (“Courts have an independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it.”). Multiple Defendants here are limited liability companies. In seeking to establish their citizenship, Plaintiff fails to provide Defendants’ members. *See GMAC Com. Credit LLC v. Dillard Dep’t Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004) (holding an LLC’s citizenship is that of its members for diversity jurisdiction purposes); *see also Great River Ent., LLC v. Zurich Am. Ins. Co.*, 81 F.4th 1261, 1263 (8th Cir. 2023).

“Federal courts are courts of limited jurisdiction,” possessing “only that power authorized by Constitution and statute.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Therefore, this Court must “presume[] that a cause lies outside this limited jurisdiction,” and “the burden of establishing the contrary rests upon the party


asserting jurisdiction.” *Id.* Here, the Court can “be assured of its own jurisdiction” only if Plaintiff “identif[ies] each of the individual members of the defendant LLC[s] and specifically plead[s] the state of their citizenship.” *See James v. Moore*, 1:23-cv-00115-SNLJ, 2023 WL 4350944, at \*1 (E.D. Mo. July 5, 2023); *accord Scottsdale Ins. Co. v. Consumer L. Prot., LLC*, 1:23-cv-00101-MTS, 2023 WL 5672175, at \*1 (E.D. Mo. Sept. 1, 2023). If Plaintiff can establish this Court’s subject matter jurisdiction, it must file an amended complaint to address the jurisdictional defect the Court has identified herein. *See* 28 U.S.C. § 1653 (allowing amendment of pleadings to show jurisdiction). Failure to do so will result in the dismissal of this action without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that, no later than **Thursday, October 03, 2024**, Plaintiff must file an amended complaint that establishes this Court’s subject matter jurisdiction.

Failure to do so will result in dismissal of this action without prejudice.

Dated this 23rd day of September 2024.



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MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE